

2017 Regular Session

HOUSE BILL NO. 99

BY REPRESENTATIVE CARPENTER

COURTS: Provides for fees in certain civil matters

1 AN ACT

2 To amend and reenact R.S. 13:5807(A)(13) and (14) and 5807.2(A)(13), relative to
3 constables and marshals; to provide for an increase in the percentage of fees in
4 certain civil matters; to provide for the use of increased fees; to provide for the
5 creation of an equipment fund; to provide for a contingent effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:5807(A)(13) and (14) and 5807.2(A)(13) are hereby amended and
9 reenacted to read as follows:

10 §5807. Fees and costs

11 A. Constables and marshals, except in Orleans Parish and as provided by
12 R.S. 13:5807.1, shall be entitled to the following fees of office, and no more, in civil
13 matters:

14 * * *

15 (13)(a) For collecting money for execution of order of seizure and sale, ~~six~~
16 ten percent, with a minimum of twelve dollars and fifty cents on each execution of
17 order of seizure and sale.

18 (b) Forty percent of the funds authorized by this Paragraph shall be used to
19 assist in funding the purchase or updating of necessary equipment to carry out the
20 efficient performance of all duties imposed by law on constables and marshals. The
21 funds provided in this Subparagraph shall be deposited into an equipment fund which

1 shall be subject to and included in the constables' or marshals' annual audit. A copy
2 of the audit shall be filed with the legislative auditor who shall make it available to
3 the public.

4 (14)(a) For collecting money for execution of a writ, without either seizure
5 or sale, ~~six~~ ten percent, with a minimum of twelve dollars and fifty cents on each
6 execution or order of writ.

7 (b) Forty percent of the funds authorized by this Paragraph shall be used to
8 assist in funding the purchase or updating of necessary equipment to carry out the
9 efficient performance of all duties imposed by law on constables and marshals. The
10 funds provided in this Subparagraph shall be deposited into an equipment fund which
11 shall be subject to and included in the constables' or marshals' annual audit. A copy
12 of the audit shall be filed with the legislative auditor who shall make it available to
13 the public.

14 * * *

15 §5807.2. Fees and costs; Hammond city marshal

16 A.

17 * * *

18 (13)(a) For collecting money pursuant to an execution of an order of seizure
19 and sale or a writ, without either seizure or sale, ~~six~~ ten percent, with a minimum of
20 ten dollars for each execution or order of seizure and sale.

21 (b) Forty percent of the funds authorized by this Paragraph shall be used to
22 assist in funding the purchase or updating of necessary equipment to carry out the
23 efficient performance of all duties imposed by law on the marshal. The funds
24 provided in this Subparagraph shall be deposited into an equipment fund which shall
25 be subject to and included in the marshal's annual audit. A copy of the audit shall
26 be filed with the legislative auditor who shall make it available to the public.

27 * * *

28 Section 2. In accordance with the provisions of R.S. 13:62, the increase in court
29 costs or fees as provided for in this Act shall become effective if and when the Judicial

- 1 Council provides a recommendation that such court costs or fees meet the applicable
2 guidelines in its 2018 Report to the Louisiana Legislature.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 99 Engrossed

2017 Regular Session

Carpenter

Abstract: Provides for an increase in the percentage of fees in certain civil matters to be paid to constables and marshals.

Present law provides for fees in civil matters to be paid to constables and marshals as compensation.

Proposed law retains present law but increases the percentage of fees as follows:

- (1) For collecting money for execution of order of seizure and sale, from 6% to 10%, with a minimum of \$12.50 on each execution of order of seizure and sale.
- (2) For collecting money for execution of a writ, without either seizure or sale, from 6% to 10%, with a minimum of \$12.50 on each execution or order of writ.

Present law provides for fees in civil matters to be paid to the Hammond city marshal. Proposed law retains present law but increases the percentage of fees for collecting money for execution of order of seizure and sale or writ, without either seizure or sale, from 6% to 10%, with a minimum of \$10 on each execution of order of seizure or sale.

Proposed law provides that 40% of the funds generated by the fee increase provided in proposed law must be deposited in an equipment fund used for the sole purposes of purchasing or updating equipment to carry out the efficient performance of all duties imposed by law on constables and marshals.

Proposed law provides that the equipment fund is subject to and must be included in the constables' and marshals' annual audit and a copy of that audit filed with the legislative auditor's office who shall make the audit available to the public.

Proposed law provides for the increase in fees to become effective if and when the Judicial Council reviews such request and makes a recommendation to the legislature in its 2018 report that the fees meet the applicable guidelines.

(Amends R.S. 13:5807(A)(13) and (14) and 5807.2(A)(13))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Increase the percentage of fees for the Hammond city marshal for collecting money for execution of order of seizure and sale or writ, without either seizure or sale, from 6% to 10%.

2. Add that 40% of the funds generated by the fee increase must be deposited in an equipment fund used to purchase or update equipment to carry out the efficient performance of all duties of constables and marshals.
3. Require the equipment fund be included in the constables' and marshals' annual audit and a copy of the audit to be filed with the legislative auditor's office.
4. Add an effective date for the increase in fees to become effective if and when the Judicial Council reviews the request and makes its recommendation to the legislature in its 2018 report.